

DCP COMPLIANCE TABLE & SEPP REVIEW

CHANGE OF USE (PLACE OF PUBLIC WORSHIP TO CENTRE-BASED CHILDCARE) AND ASSOCIATED MINOR WORKS

63 DOWLING STREET, DUNGOG NSW 2420 (LOT 19 AND 20 DP667755)

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DCP Compliance Table, 63 Dowling Street, Dungog

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SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 3 – EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Part 3.3 of this Chapter sets out the specific development controls relating to early education and childcare facilities. The proposed development must be considered against this Part:

Table 1: Part 3.3 Specific Development Controls Assessment

SEPP Control	Proposal Compliance/Comment
3.22 Centre-based childcare facility—concurrence of Regulatory Authority required for certain development	The proposed development has been designed to comply with the required indoor and outdoor play areas as follows:
(1) This section applies to development for the purpose of a centre- based childcare facility if—	Indoor space of 3.25m ² per child generates the need for 113.75m ² . The development proposes 127.13m ² and complies with this
 (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations. 	requirement. Outdoor space of 7m ² per child generates the need for 245m ² . The development proposes 480.23m ² and complies with this requirement. Concurrence of the Regulatory Authority for the development is therefore not required.
3.23 Centre-based childcare facility—matters for consideration by consent authorities.	An assessment of the proposed development against the <i>Child Care Planning Guideline</i> is provided below within TABLE 2 below.
Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the <i>Child</i> <i>Care Planning Guideline</i> , in relation to the proposed development.	
3.24 Centre-based childcare facility in certain zones— additional matters for consideration by consent authorities	N/A – The subject site is located within Zone R1 General Residential and not within a prescribed zone, being:
	(a) Zone E4 General Industrial,

(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based childcare facility on land in a prescribed zone.	 (b) Zone E5 Heavy Industrial, (c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.
 3.25 Centre-based childcare facility—floor space ratio (1) Development consent must not be granted for the purposes of a centre-based childcare facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. (2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based childcare facility. 	The subject site is not located within the R2 Low Density Residential Zone. The Dungog LEP 2014 does not set a floor space ratio.
 3.26 Centre-based childcare facility—non-discretionary development standards (1) The object of this section is to identify development standards for particular matters relating to a centre-based childcare facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. (2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based childcare facility— (a) location—the development may be located at any distance from an existing or proposed early education and care facility, (b) indoor or outdoor space (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the 	 (1) Noted. (2) (a) Noted. (b) Indoor & Outdoor space provided in accordance with regulations 107 & 108 of the education and care services national regulations, as set out above. Indoor space and usable outdoor play space complies. (c) Noted. (d) Noted, the site is identified as a Local Heritage Item and is located within a Heritage Conservation Area (Dungog Residential). The external fabric of the existing Church and Hall will not change as part of the proposed development. The replacement door for the existing roller door will be of glass material, to improve the aesthetics, and not detract from the heritage significance of the building. The materials and finishes of the shade sails and shade structures will be traditional in form and tie in with the existing building where required. However, their architectural use is unambiguously contemporary but applied to a traditional built form. Shared coloured elements will reinforce a relationship between the new structures and the existing building

 unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services)</i> Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space) of site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth, (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area. (3) To remove doubt, this section does not prevent a consent authority from— (a) refusing a development application in relation to a matter not specified in subsection (2), or (b) granting development consent even though any standard specified in subsection (2) is not complied with. 	(3) Noted.
3.27 Centre-based child care facility—development control	No DCP controls relate to the proposed pre-school development for
plans	the listed matters.
 (1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, 	

numbers or the like, of children) does not apply to development for	
the purpose of a centre-based childcare facility—	
 (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for childcare services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based childcare facility contained in— (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 	
plan was made.	
3.28 – 3.33	N/A

CHILDCARE PLANNING GUIDELINES

Table 2: Child Care Planning Guidelines Assessment

2.0 Design Quality Principles		
Principle	Description	Response
1. Context	Good design responds and contributes to its context, including the key natural and built features of an area, their relationship, and the character they create when combined. It also includes social, economic, health and environmental conditions.	The proposed development is designed to respond to the natural features of the site as well as the character of the natural and built area features of the locality. The location takes full advantage of available public transport, the capacity and connectivity of the existing road network, as well as the proximity to existing educational facilities. It is anticipated that the development will meet the growing demands of the community for pre-school services.
2. Built Form	Good design achieves a scale, bulk, and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation, and the manipulation of building elements.	The design of the proposed development is consistent with the design objectives and requirements of the relevant planning frameworks as well as the existing development on site. It is considered that the architecturally designed facility can respond to the heritage nature of the site and provide a functional preschool complimentary to the surrounding area.
3. Adaptive Learning Space	Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit out.	The proposed development provides multiple indoor spaces including classrooms, auditorium, transitionary play areas, and suitable outdoor play areas. All indoor activity rooms have easy access to outdoor play areas and amenities. Functionally, the design provides for storage areas, staff rooms and offices, consult room, and play areas.

4.	Sustainability	Sustainable design combines positive environmental, social, and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.	The design encourages a high level of sustainability with natural cross ventilation, natural light infiltration, and solar access.
5.	Landscape	Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.	Additional landscaping is proposed throughout the site to soften the proposed built structures and to assist with integration of the carpark with adjoining sites, per the recommendations of the Heritage Impact Assessment. Existing vegetation on site will be maintained to soften boundaries and building elements and maintain the leafy setting of the locality.
6.	Amenity	Good design positively influences internal and external amenity for children, staff, and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.	The design has been well considered to facilitate functional and efficient practical spaces and learning environments. The combination and accessibility of indoor and outdoor spaces seeks to provide an engaging and interesting setting for children of multiple ages and degrees of mobility.
7.	Safety	Well-designed childcare facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk	The development is architecturally designed to provide for a welcoming, safe, and secure learning environment that reflects the heritage locality. Operation of the centre will be in accordance with relative industry standards and occupational health and safety legislation.

and can be checked and maintained efficiently and appropriately. Well-designed childcare facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).	Passive surveillance will be facilitated by the unobstructed layout, cross utilisation of spaces and windows incorporated between the activity rooms and the outdoor play areas.
3.0 Matters for Consideration	
Consideration & Objective	Response
3.1 Site Selection and Location	
C1 To ensure that appropriate zone considerations are assessed when selecting a site.	The location of the proposed development is within the R1 General Residential land use zone under the Dungog Local Environmental Plan 2014 and is a permissible development type within the zone.
	As the site is located adjoining existing educational and care facilities, and the number of children proposed to occupy the site at any one time as part of this application is low, no incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.
	Given primary access is currently from Chapman Street, which will be maintained as part of the proposal, and no significant increase in vehicular movements as part of the proposed use, in comparison to the existing use will occur, the development is not anticipated to compromise road safety. All vehicles are currently able to move onto and off the site in a forward direction.
C2 To ensure that the site selected for a proposed childcare facility is suitable for the use.	It is considered that the location and surrounding land uses are complimentary with the proposed development. No hazardous or restricted premises are in proximity to the site. Risks such as flooding, ground water vulnerability, bushfires, mine subsidence

	and environmental contaminants have been examined and found to not present an adverse risk to the ongoing use of the site.
	The characteristics of the site including street frontage are suitable for the scale and type of development proposed.
	The development will not have adverse environmental impacts on the surrounding area.
	Sufficient parking can be provided to support the proposed use, particularly noting that the site will operate in tandem with the existing Dungog Community Pre-School Site will work in tandem with the existing premises located at 1 Chapman St Dungog. Staff will park in the existing carpark that supports that site, and walk down to the proposed premises. The site is not located nearby any activities or uses that would be
	incompatible with the subject pre-school.
C3 To ensure that sites for childcare facilities are appropriately located.	The site is located appropriately for pre-school facilities, being located with proximity to the existing commercial core to the north and surrounding residential development. The subject site is located directly adjacent to and within the same 'hub' as Dungog Public School and Dungog Community Pre-School.
C4 To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards	The proposed location is not considered to pose a risk to children, staff, or visitors. No adverse environmental conditions have been identified.
3.2 Local character, streetscape, and the public domain interface	
C5 To ensure that the childcare facility is compatible with the local character and surrounding streetscape.	The proposed development has been found to be compatible with the character of the local area and existing streetscape qualities.

	Landscaping is proposed to positively contribute to the streetscape and neighbouring amenity.
C6, C7 & C8 To ensure clear delineation between the childcare facility and public spaces.	Boundary fencing approved under DA 225/2023 will be provided as required in order to ensure safety for children entering and leaving the facility.
	All accesses to the building on the site are clearly differentiated.
	The buildings and landscaping have been designed to provide an appealing streetscape frontage with clearly defined street access, pedestrian paths and building entries.
C9	No additional fencing beyond that approved under DA 225/2023
To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain	is proposed as part of this DA.
C10	The site is located on a classified road (Dowling St); however the
High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	trafficking environment of this road is low, and setbacks of the existing building proposed for use will remain, and are sufficient to support the proposed use. No additional acoustic fencing is required in this regard.
3.3 Building orientation, envelope, and design	
C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade.	The development has been oriented on the site to support the existing building and structures on site with the building layout designed to ensure visual privacy and maximise solar access to
	internal and external play areas.
C12 To ensure that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised	No change to the existing building heights is proposed. The shade structures will be of a lesser scale to the existing buildings to ensure compatibility and reduction of impact.

C13	Setback of the development is consistent with the existing
To ensure that setbacks from the boundary of a childcare facility are consistent with the predominant development within the immediate context	building on site and the predominant development in the surrounding area.
C15	The built form of the development has been designed to
To ensure that the built form, articulation, and scale of development relates to its context and buildings are well designed to contribute to an area's character	contribute and respond to the natural environment, character of the local character and streetscape quality.
C16	Entry to the facility will be accessible and visible from the car
To ensure that buildings are designed to create safe environments for all users.	park to both sides of the existing Church and Hall. Adequate paths will connect the indoor facilities with outdoor play areas.
C17	The proposed design will be reviewed against relevant standards
To ensure that childcare facilities are designed to be accessible by all potential users	to ensure compliance.
3.4 Landscaping	
C18 & C19 To provide landscape design that contributes to the streetscape and amenity.	Appropriate screening and privacy planting is proposed along the boundaries. The extension of existing picket fencing and additional plating will reflect and reinforce the local and environmental context.
	The landscape design of the site incorporates the car park, including providing for the planting of trees and low-level landscaping to soften the proposed development.
3.5 Visual and acoustic privacy	
C21 To protect the privacy and security of children attending the facility.	Privacy of indoor rooms and outdoor play spaces from public areas have been considered through the site and building layout and landscape design.

C22		Privacy of adjoining properties has also been addressed through the above considerations.	
To minimise impacts on privacy of adjoining properties			
C23 To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments		As the site is located adjoining existing educational and care facilities, and the number of children proposed to occupy the site at any one time as part of this application is low, no incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated. The number of children to occupy the site at any one time are low, and will not contribute to significant levels of additional noise within the area.	
3.6 Noise ar	nd air pollution		
C25	To ensure that outside noise levels on the facility are	N/A	
C26	minimised to acceptable levels.	The proposed development is not located within an area subject to significant noise generation associated with traffic generation.	
C27	To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development.	The site is not located close to any incompatible social activities or adjoining industrial uses that would be incompatible to be located adjoining a pre-school. The adjoining properties are residential or similar educational facilities. The low existing traffic rates within the surrounding local road network pose no significant threat of air pollution to the pre- school.	
3.7 Hours o	f operation		
C28	To minimise the impact of the childcare facility on	Hours of operation where the predominant land use is residential	
C29	the amenity of neighbouring residential developments	should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed pre-school may be extended if it adjoins or is adjacent to non-residential.	

		The proposed hours of operation are 8:30am – 4pm. This has been determined to be appropriate for the site location within a low-density residential area.
3.8 Traffic, p	parking, and pedestrian circulation	
C30	To provide parking that satisfies the needs of users and demand generated by the centre.	The Dungog DCP provides specific requirements for car parking per Section C20, detailed in TABLE 4 below.
C31	N/A – Commercial Zones only.	N/A
C32	Provision of a traffic and parking study is required to quantify potential impacts on the surrounding land uses, to optimise safety and convenience of the parking area(s) and to demonstrate how impacts on amenity will be minimises.	The formalised gravel parking area are sufficient to support the proposed use. Vehicular access to the site will remain from Chapman Street. On-street parking and pedestrian access is also available from Dowling Street. Given the minor nature of the proposed development, provision of a traffic study is not
C33	To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	required. Continuous accessible paths are proposed and will provide access to both the existing building. The distance of these paths has been minimised to increase convenience.
C34	N/A – Cul-de-sac development only.	N/A
C35	To provide a safe and connected environment for pedestrians both on and around the site.	The existing pedestrian footpath access to the site is not anticipated to be altered because of the proposed development.
C36	N/A – Mixed use development only.	N/A
C37	Include a child safe fence to separate car parking areas from the building entrance and play areas.	Car parking design separates car parking areas from the site entrance and provides accessible parking close to the primary
	Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards	entrance.
	Include wheelchair and pram accessible parking.	

Table 3: National Quality Framework Checklist

Regulation	Proposed	Complies
104. Fencing or barrier that encloses outdoor spaces. Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	No additional fencing beyond that approved under DA 225/2023 is proposed as part of this DA.	Yes
Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.		
106. Laundry and hygiene facilities	The pre-school does not include its own laundry, noting	Off-site
The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies, and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.	that any laundry is completed at the main school located on Chapman Street. The proposed building incorporates areas within the bathrooms for the storage of soiled clothing / nappies where required, before laundering or disposal in waste receptacles.	
Laundry / hygienic facilities are located where they do not pose a risk to children.		
107. Unencumbered indoor space	3.25m ² per child generates the need for	Yes
The proposed development includes at least 3.25m ² of unencumbered indoor space for each child.	113.75m ² . The development proposes 127.13m ² and complies with this requirement.	
Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.		

108. Unencumbered outdoor space The proposed development includes at least 7.0m2 of unencumbered outdoor space for each child.Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of- school-hours care service.	7m ² per child generates the need for 245m ² . The development proposes 480.23m ² and complies with this requirement.	Yes
109. Toilet and hygiene facilities The proposed development includes adequate, developmentally and age-appropriate toilets, washing and drying facilities for use by children being educated and cared for by the service.	The development plans identify the number of toilets and basins, which are adequate to support the proposed number of children and staff.	Yes

DUNGOG DCP COMPLIANCE

Table 4: Dungog DCP Compliance Assessment

Section	Requirement	Proposed	Complies
Part A – Administration			
	This Part relates to development application requirements.	The proposed development application will be submitted to Council consistent with those requirements.	Yes
Part B – Exempt and Co	omplying Development		
	This Part relates to exempt and complying development.	The proposed development does not meet the development standards for complying development.	N/A
assessment of this Chapt		e site is located within the R1 General Residential zo	one. Further
0.5 Dusinine	Under the new provisions, applications for development on bushfire prone land must be accompanied by a Bush Fire Assessment Report demonstrating compliance with the aims and objectives of Planning for Bushfire Protection 2006, as well as the specific performance criteria for the land use proposed.	The site is not identified as bushfire prone land.	N/A
C.15 Contaminated Lan	d		
15.2 Contaminated Land Application	To ensure protection of community health standards, the protection of the environment	The site does not contain any signs of previous contaminating uses. Furthermore, as the site is	Yes

Section	Requirement	Proposed	Complies
	and to minimize costs to the community by way of ensuring contaminated land is identified at the earliest possible stage in the development process.	currently utilised as a public place of worship, it is unlikely to be considered contaminated.	
C.17 Heritage			
3.7 Fences	Street boundary fencing is a strong feature of Dowling Street, especially in its residential sections, although the use of fences is not consistent as there are many properties with no boundary definition. Fences, when treated in conjunction with the buildings they define, are important elements of the streetscape and their preservation should be encouraged.	No additional fencing is proposed as part of this application.	Yes
C.20 Parking			
Schedule 1	 The Council Development Control Plan (DCP) parking requirements as discussed with Council are as follows: 1 space per employee <u>Plus</u> 1 space per every 4 children in attendance. A vehicle forward in and forward out drop off / pick up facility is encouraged. Temporary time restricted parking spaces in driveways may be considered in the car parking calculations provided 	Fourteen (14) car parking spaces, inclusive of two accessible spaces are proposed as part of the development. The accessible spaces will be of concrete construction; however, the remainder will be of gravel construction to minimise the built impact of the development in proximity to the heritage item. The number of spaces triggered by the proposed development is 9 for children, leaving a surplus of five (5), for staff (noting only four (4) staff members are proposed). The number of spaces to be provided at completion of the second stage is therefore compliant.	

Section	Requirement	Proposed	Complies
	they do not impede traffic flow to and from the site.	The twelve parking spaces will be constructed as part of stage 2, after the building has been occupied. This is considered satisfactory, given the presence of existing parking availability on the existing road network, particularly noting that the site will operate in tandem with the existing Dungog Community Pre-School Site will work in tandem with the existing premises located at 1 Chapman St Dungog. Staff will park in the existing carpark that supports the existing development	
		 and will walk to the subject site. It is also argued that the car parking ratio specified by the Dungog DCP is unusually high, for a rural LGA. By comparison, the Upper Hunter Shire Council, which is a close equivalent to Dungog Shire regarding population, demographic and rural nature, requires 1 space per employee + 1 space per 15 children enrolled. Should a similar rate be applied to the proposed development, a maximum of five spaces would be required. 	
		Taking the above into consideration, the parking provision and arrangement is considered acceptable.	